IV. REMARKS

The claims have been amended to change or delete the objectionable language. It is therefore submitted that the claims are no longer objectionable.

Claim 18 has been cancelled. Thus there is no longer any grounds for rejection under 35 U.S.C. 101.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkins in view of Feder.

The independent claims are amended herein to include more specific attributes that may be transmitted in advertising messages from mobility agents or routers to a mobile node for selection of a foreign agent or router. These features were originally in claim 4 and are supported by p. 14, ll.24-27. Similar information on attributes may be transmitted from a router. Further, new claims (18 and 19) are added for a mobile node configured to receive advertising messages from a router.

Perkins mentions the use of the "Busy" bit, but, as admitted by the Examiner, does not disclose using any foreign agent or router attribute information for selecting a serving foreign agent or a serving router, or the means, as currently claimed in the independent device claims. Further, there is no indication in Perkins towards applying at least one of the following foreign agent attributes: current delay of a connection offered by the foreign agent, average delay of the connection offered by a foreign agent, jitter of the connection offered by the foreign agent, number of users by the foreign agent, throughput of the foreign agent, load of the foreign agent, proportional load of the foreign agent compared to the other foreign agents in the system, or towards applying at least one of the following router

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attributes: current delay of a connection offered by the router, average delay of the connection, jitter of the connection, number of users served, throughput, load, proportional load compared to other routers in the system.

Feder discloses a system for selecting an access point in a wireless network. An access point providing wireless connection may be selected on the basis of service quality or data throughput rate, for example. The disclosure is not related to mobile IP. Hence, a man skilled in the art would not be motivated to combine Feder with Perkins. Further, Feder does not provide any indication for arranging selection of a serving foreign agent or a serving router in a mobile IP system. Feder is limited to selecting an access point providing a RF connection to a wireless terminal and therefore cannot be used to improve the apparatus of Perkins.

Even if the combination of Perkins and Feder is considered, the combination would not teach to collect the above-mentioned foreign agent and router attribute information in selecting a serving foreign agent or router, respectively, since Feder does not provide any teaching on arranging such a selection. Further, the combination does not give any indication towards applying specifically the above-mentioned attributes when selecting a serving foreign agent or router.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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Oct. 28, 2005

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